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	Application No.	Applicant(s)	
Notice of Allowability	10/068,557	WAND ET AL.	
Notice of Allowability	Examiner	Art Unit	
	Shean C Wu	1756	1
The MAILING DATE of this communication app All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT I of the Office or upon petition by the applicant. See 37 CFR 1.31	S (OR REMAINS) CLOSED in to 5) or other appropriate commur RIGHTS. This application is su	his application. If not incluication will be mailed in du	uded ue.course. <b>THIS</b>
1. This communication is responsive to 11/13/2003.			
2. ⊠ The allowed claim(s) is/are <u>1-44</u> .			
3. $\prod$ The drawings filed on $\_\_\_$ are accepted by the Examin			
<ol> <li>Acknowledgment is made of a claim for foreign priority ι</li> <li>a) ☐ All b) ☐ Some* c) ☐ None of the:</li> </ol>	under 35 U.S.C. § 119(a)-(d) or	<b>(f)</b> .	
<ol> <li>Certified copies of the priority documents have</li> </ol>	ve been received.		
2. Certified copies of the priority documents have	ve been received in Application	No	
<ol><li>Copies of the certified copies of the priority d</li></ol>	ocuments have been received	in this national stage appli	cation from the
International Bureau (PCT Rule 17.2(a)).	•		
* Certified copies not received:		• *	
<ol> <li>Acknowledgment is made of a claim for domestic priority reference was included in the first sentence of the specific</li> </ol>	cation or in an Application Data	Sheet. 37 CFR 1.78.	nce a specific
(a) The translation of the foreign language provisional			
<ol> <li>Acknowledgment is made of a claim for domestic priority in the first sentence of the specification or in an Application</li> </ol>	under 35 U.S.C. §§ 120 and/or on Data Sheet, 37 CFR 1.78.	121 since a specific refere	ence was included
Applicant has THREE MONTHS FROM THE "MAILING DATE" opelow. Failure to timely comply will result in ABANDONMENT o	of this communication to file a r f this application. THIS THRE	eply complying with the re E-MONTH PERIOD IS NO	quirements noted TEXTENDABLE
<ol> <li>A SUBSTITUTE OATH OR DECLARATION must be submin INFORMAL PATENT APPLICATION (PTO-152) which given</li> </ol>	mitted. Note the attached EXAN ves reason(s) why the oath or c	MINER'S AMENDMENT or leclaration is deficient.	NOTICE OF
3. ☐ CORRECTED DRAWINGS (as "replacement sheets") mu  (a) ☐ including changes required by the Notice of Draftsper		(PTO-948) attached	
1) hereto or 2) to Paper No	aannaakian filad	h 1 1 h (h	
(b) including changes required by the proposed drawing			
(c) ☐ including changes required by the attached Examine	r's Amendment / Comment or in	the Office action of Pape	r No
Identifying indicia such as the application number (see 37 CFR each sheet. Replacement sheet(s) should be labeled as such in	1.84(c)) should be written on the the margin according to 37 CFR	drawings in the front (not t	he back) of
DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT FOR	osit of BIOLOGICAL MATER THE DEPOSIT OF BIOLOGICA	RIAL must be submitted AL MATERIAL.	. Note the
Attachment(s)			
Notice of References Cited (PTO-892)	5☐ Notice of Inform	mal Patent Application (PT	O-152)
Notice of Draftperson's Patent Drawing Review (PTO-948)		mary (PTO-413), Paper No	D
Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No	08), 7□ Examiner's Am	endment/Comment	
Examiner's Comment Regarding Requirement for Deposit	8⊠ Examiner's Sta	tement of Reasons for All	owance
of Biological Material	9☐ Other		
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		Art Unit: 1756	•

Application/Control Number: 10/068,557 Page 2

Art Unit: 1756

1. Claims 1 and 27 are directed to an allowable product. Claims 9-12, 14-22, 28-35, 38-39 and 44 are previously withdrawn from consideration as a result of a restriction requirement, Claims 9-12, 14-22, 28-35, 38-39 and 44 hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Since all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement made in Paper 08/08/2003 is hereby withdrawn.

## Allowable Subject Matter

- 2. Claims 1-44 are allowed.
- 3. The following is an examiner's statement of reasons for allowance:

The reference (US 5,653,913) differs from the present invention in that the present compounds are excluded from the reference by introducing the proviso in the claims. Also, the newly cited references (JP 4-193873 and JP 4-208277) differ from the present claims in that the present claims have two chiral centers in butyrolactone core.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shean C Wu whose telephone number is 703-308-3956. The examiner can normally be reached on Monday-Friday 9:30 -6:00.

Application/Control Number: 10/068,557

Art Unit: 1756

Page 3

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 703-308-2464. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Shean C Wu

Primary Examiner

Art Unit 1756

scw